



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES, AFL-CIO, LOCAL #1348

Petitioner

and

CITY OF LEBANON, NEW HAMPSHIRE

Respondent

CASE NO. A-0419:5

DECISION NO. 84-52

#### BACKGROUND

Local #1348 petitioned for modification of its existing unit, employees of the Highway and Cemetery Departments, and add four (4) divisions of the Public Works Department; namely, Water, Sewer, Airport and Landfill employees under the same or similar job classifications.

The City of Lebanon (City) through its representative, City Manager Alan H. Edmond, objected to the modification as being inconsistent with PELRB Rule Pub 302.05 as circumstances had not changed, not incorrect and did not warrant modification of the existing unit. In addition, several of the positions included in AFSCME's petition were supervisory and in accordance with 273-A:8, II could not belong to the same bargaining unit as the employees they supervised.

A hearing was held in the Board's office on May 17, 1984 with Hearing Officer Seymour Osman presiding.

#### FINDINGS OF FACT

1. AFSCME sought to include other departments into the grandfathered unit, thereby creating, in essence, a whole new unit.
2. Three of the departments alone would not meet the requirements of 273-A:8 (d) which states:

"...In no case shall the board certify a bargaining unit of less than 10 employees with the same community of interest..."

3. AFSCME agreed, should the modification be granted, that all superintendents in all departments should be excluded.
4. Several changes were made in the positions originally petitioned.

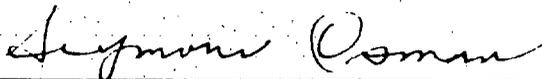
5. The City chose not to be present at the hearing but reiterated, by phone, their objections previously submitted in writing.

At the conclusion of the hearing, the Hearing Officer stated that based upon the information received, which changed the requested modification substantially, the City should have an opportunity to comment on the changes.

The City in response to the amended modification stated that the listed titles lacked the community of interest and felt that the employees in the Water, Sewer, Landfill Departments and the Airport should have an opportunity to decide for themselves if they wished to be represented by AFSCME for the purpose of collective bargaining as required under RSA 273-A:10.

OPINION AND ORDER

It is the opinion of the Hearing Officer that the request goes beyond the scope of the criteria established under the Board's Rules and Regulations regarding modification of existing units and, therefore, the modification petition be and hereby is denied.



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SEYMOUR OSMAN, Hearing Officer

Signed this 7th day of June, 1984